

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 622551-9		Date of mailing (day/month/year) 25 OCT 2005
International application No. PCT/US05/09091		FOR FURTHER ACTION See paragraph 2 below
International filing date (day/month/year) 17 March 2005 (17.03.2005)	Priority date (day/month/year) 19 March 2004 (19.03.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): B05D 1/36, 5/04 and US Cl.: 427/336, 348, 350, 352, 356, 407.1, 408, 409, 412, 413; 428/411.1		
Applicant BATEMAN, STUART, ARTHUR		

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Date of completion of this opinion 03 October 2005 (03.10.2005)	Authorized officer Kirsten C. Jolley Telephone No. 571-272-1700
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Form PCT/ISA/237 (cover sheet) (April 2005)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/09091

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/09091

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-7, 23-26, 29-30, 37-38, 40-43</u>	YES
	Claims <u>8-22, 27-28, 31-36, 39</u>	NO
Inventive step (IS)	Claims <u>8-15, 18-22, 27-28</u>	YES
	Claims <u>1-7, 16-17, 23-26, 29-43</u>	NO
Industrial applicability (IA)	Claims <u>1-43</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-7, 23-26, 29-30, 37-38, and 40-43 lack novelty under PCT Article 33(2) as being anticipated by Meder (US 5,212,017). Meder discloses a method of activating an organic surface to enhance adhesion of a coating applied thereon by applying a solution comprising N,N'-dimethylacetamide solvent and gamma-aminopropyltrimethoxysilane adhesion promoter, wherein contact with the adhesion promoter and solvent results in swelling of the organic surface, and the article produced by the method. While Meder is generally directed to the application of its adhesion promoter and solvent composition to organic/polymeric substrates, the reference teaches that the substrate may be an article of any configuration, including a laminate (column 11, lines 18-25). A laminate necessarily comprises more than one layer, where the top layer may be considered a coating on a substrate, and therefore the process of Meder is inclusive of applying its composition of adhesion promoter and solvent on an organic coating. As to claims 23-26 and 29-30, Meder discloses use of compositions comprising 5% adhesion promoter in 95% solvent (Table I); the solvent is an amide. As to claims 37-38, Meder teaches applying its composition to a wide variety of substrates, and bonding a variety of coating materials thereto, including those claimed (column 10, lines 23-32, and column 11, lines 55-65).

Claims 16-17, 31-36, and 39 lack an inventive step under PCT Article 33(3) as being obvious over Meder. The claimed limitations are obvious variants of Meder's process, or would be determined through routine experimentation. The use of additives in primer coatings are well known in the coating art.

Claims 8-15, 18-22, and 27-28 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed process of applying a composition comprising an adhesion promoter and solvent on an organic coating to swell the organic coating and increase adhesion to a subsequently applied coating, in combination with the particular materials claimed.

Claims 1-43 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.